

ARTICLE 1: AMEND ZONING BY-LAW – RETAINING WALLS

To see if the Town will vote to amend the Needham Zoning By-Law, as follows:

- (a) Amend Section 1.3 Definitions, by adding the following term and definition in the appropriate alphabetical location as follows:

“Retaining Wall - A wall or terraced combination of walls used at a grade change to hold soil and other earth material at a higher position. Retaining walls may be attached to or independent from other structures. The exposed side of a retaining wall shall be known as a “face”. The area between a lower wall and a successive higher wall shall be known as a “terrace.”

- (b) Amend Section 1.3 Definitions, by revising the existing definition of the term “Structure”, so that the entire definition shall now read as follows: (new language underlined):

“Structure – anything constructed or erected, the use of which requires a fixed location on the ground or attached to something located on the ground including an artificial or a constructed swimming pool having a depth of water of two (2) feet or more or a water surface area of at least one hundred (100) square feet when filled to capacity, but excluding a fence, boundary wall, retaining wall, public utility pole, public utility supporting device or a structure with less than one hundred square foot ground coverage and a height of less than eight (8) feet.”

- (c) Amend Section 6, Special Regulations, by inserting a new Subsection 6.11, Retaining Walls, to read as follows:

“6.11 Retaining Walls

6.11.1 Purpose and Intent

The Town of Needham adopts this section to accomplish and ensure the following:

- (a) To allow for the review of retaining walls of a size that may impact surrounding buildings, land, and uses;
- (b) To require the construction of retaining walls in a manner consistent with engineering and construction best practices; and
- (c) To lessen the impact of large retaining walls on abutting properties and the public by encouraging the use of landscaping and aesthetically pleasing design elements.

6.11.2 Applicability and Exemptions

The regulations and requirements contained herein shall apply to all retaining walls erected in the Town of Needham, except the following:

- (a) Retaining walls that retain less than four (4) feet of unbalanced fill shall be exempt from the requirements of this section.

- (b) A terraced combination of walls, in which each separate wall retains less than four (4) feet of unbalanced fill and in which each successive wall is separated by a distance at least two times (2x) the height of the highest wall.

6.11.3 General Provisions

- (a) Determining Retaining Wall Height - The height of a retaining wall shall be the distance from the grade at the base of the face of the wall, exclusive of any fill, to the grade at the back of the wall at the same section. For walls that are not a constant height the average of these measurements shall be used to determine the height of the wall, up to a maximum height at any single point as follows.
- (b) Walls Within Yard Setbacks - Less than two (2) feet from a property line retaining walls four (4) feet high are allowed, with a maximum height at any point of four (4) feet. Retaining walls two (2) feet or more from a property line may be six (6) feet high, with a maximum height at any point of seven (7) feet. Multiple walls not meeting the requirements of Terracing (6.11.3.d) shall be measured in height as a single wall. Retaining walls exceeding these requirements require approval by the Design Review Board in accordance with Subsection 6.11.4 of this Section.
- (c) Fall Protection - All retaining walls over six (6) feet in height shall be required to provide fall protection if so determined by the Building Inspector.
- (d) Terracing - Terracing of retaining walls is allowed and encouraged. In a terraced retaining wall system, if two (2) retaining walls are separated by a distance at least two times (2x) the height of the higher of the two (2) walls, the walls shall be considered as separate walls; if two (2) retaining walls are separated by a distance less than two times (2x) the height of the higher of the two (2) walls, the walls shall be considered as a single wall.
- (e) Height Limitation - No retaining wall shall exceed twelve (12) feet in height at any point, except by a Special Permit issued in accordance with Subsection 6.11.5 of this Section.
- (f) Nonconforming Retaining Walls - Retaining walls constructed and/or permitted prior to the adoption of these regulations shall be allowed to remain in their existing state; however, significant changes or alterations to such walls shall be made in conformity with these regulations. The repair and routine maintenance, as determined by the Inspector of Buildings, of nonconforming retaining walls shall be allowed without requiring conformity with these regulations.

6.11.4 Design Review and Permitting

- (a) Design Review - Design Review shall be required for all retaining walls requiring a permit, as determined by the Inspector of Buildings, and retaining six (6) feet or more of unbalanced fill. The Design Review Board shall review retaining walls in accordance with Section 7.7, Design Review, and shall consider such requests under those criteria contained in Subsection 7.7.4, Design Criteria, of Section 7.7. The Design Review Board shall submit an advisory recommendation to the Inspector of Buildings prior to the issuance of a permit.

- (b) Permitting - A permit shall be required, consistent with the requirements of the Town of Needham Building Department, for all retaining walls that retain four (4) or more feet of unbalanced fill.

6.11.5 Special Permit Provisions

The Special Permit Granting Authority shall consider requests for special permits in accordance with this Section and Section 7.5 of the Zoning Bylaw.

- (a) Circumstances Under Which A Special Permit May Be Granted - The Special Permit Granting Authority may grant a Special Permit in the following situations:
 - (i) Retaining walls not meeting the Setback requirements indicated in Subsection 6.11.3, Paragraph (b), of this Section.
 - (ii) Retaining walls greater than twelve (12) feet in height at any point as indicated in Subsection 6.11.3, Paragraph (e) of this Section.
- (b) Required Findings - A Special Permit for a retaining wall may be issued provided the Special Permit Granting Authority finds:
 - (i) That the retaining wall is otherwise in compliance with the provisions of this Section;
 - (ii) That the requested retaining wall will not adversely impact adjacent property or the public;
 - (iii) That the report of the Design Review Board has been received and the requested retaining wall is consistent in that report and those criteria contained in Section 7.7, Design Review, Subsection 7.7.4 Design Criteria, of the Zoning Bylaw; and
 - (iv) That the proposed retaining wall is the minimum structure necessary to allow a subject property to be reasonably utilized.”

Or take any other action relative thereto.

ARTICLE 2A: **AMEND ZONING BY-LAW – DEFINITION OF HEIGHT AND NATURAL GRADE**

To see if the Town will vote to amend the Needham Zoning By-Law as follows:

- (a) Amend Section 1.3 Definitions, by revising the existing definition of the term “Height”, so that the entire definition shall now read as follows: (new language underlined):

“Height – the vertical distance of the highest point of a structure or the roof of a building above the average finished grade of the ground adjoining the building or surrounding the structure; provided however, that the height of residential buildings and structures shall be measured from the record grade of the street opposite the midpoint of the street frontage of the lot, or, if a corner lot, of the street frontage having the lower record grade to the highest roofline. Provided further, where the grade of the natural ground contiguous to the residential building is higher than said record grade, height may be measured from the mean grade of said natural grade, except if said mean grade is higher than the mean natural grade of any abutting lot at the lot line. In said case where the mean grade of the natural ground contiguous to the residential building is higher than both the record grade of the street and the mean natural grade of any abutting lot at the lot line, height shall be measured from a level not exceeding the mean grade of the lowest of any lot by more than one-fourth of the distance between the building and abutting lot line.”

- (b) Amend Section 1.3 Definitions, by adding the following term and definition in the appropriate alphabetical location as follows:

“Natural Grade - The grade of the lot before development begins. If an existing structure is to be demolished, the natural grade shall be the grade determined prior to demolition of the structure. If there is no existing structure on the property, the natural grade of the property, prior to any modification, shall be the natural grade; except in new subdivisions where the natural grade shall mean the approved and recorded grade.”

Or take any other action relative thereto.

ARTICLE 2B: AMEND ZONING BY-LAW – DEFINITION OF HEIGHT AND ORIGINAL GRADE

To see if the Town will vote to amend the Needham Zoning By-Law as follows:

- (a) Amend Section 1.3 Definitions, by revising the existing definition of the term “Height”, so that the entire definition shall now read as follows: (new language underlined):

“Height – the vertical distance of the highest point of a structure or the roof of a building above the average finished grade of the ground adjoining the building or surrounding the structure; provided however, that the height of residential buildings and structures shall be measured from the average original grade or finished grade, whichever is lower, of the ground adjoining the building or surrounding the structure to the highest roofline.”

- (b) Amend Section 1.3 Definitions, by adding the following term and definition in the appropriate alphabetical location as follows:

“Original Grade - The grade of the lot before development begins. If an existing structure is to be demolished, the original grade shall be the grade determined prior to demolition of the structure. If there is no existing structure on the property, the natural grade of the property, prior to any modification, shall be the original grade; except in new subdivisions where the original grade shall mean the approved and recorded grade.”

Or take any other action relative thereto.

- b) an exterior addition that is less than or equal to 20% of the permitted gross floor area; or
- c) a combination of an interior conversion and exterior addition that is less than or equal to 30% of the permitted gross floor area, provided that the additional floor area attributable to exterior construction (which shall include the floor area included within dormers, penthouses, cupolas, and the like) does not exceed 35% of the additional floor area allowed by special permit.

The grant of a special permit under any prior version of **Section 5.22** shall be deemed the grant of a special permit under this section.

- 2) In all T, F, M-0.5, M-1.0, and M-1.5 Districts, a special permit may be granted for an increase in floor area that is less than or equal to 20% of the permitted gross floor area, whether it be for an exterior addition, interior conversion, or a combination of the two. The total increase in floor area granted by special permit for all applications made under this **paragraph 3, subparagraph (b)(2)**, or any prior version of **Section 5.22**, shall not exceed 20% of the permitted gross floor area.
- c. If the application of the percentages in **paragraph 3, subparagraph b** results in a floor area increase of less than 350 square feet, a special permit may be granted for an increase in floor area of up to 350 square feet provided that the resulting gross floor area of the building(s) is not more than 150% of the permitted gross floor area. The prior grant of additional gross floor area as of right or by special permit under **Section 5.22** or any prior version of **Section 5.22** shall preclude a subsequent grant of a special permit under this **paragraph 3, subparagraph c**.

HEIGHT OF BUILDING REGULATIONS

§5.30 – MAXIMUM HEIGHT OF BUILDINGS

Where a maximum height of buildings is specified in **Table 5.01** no building or part of a building shall exceed the number of feet in height, except as permitted in **§§ 5.31** and **5.32**. Height shall be measured as follows:

- 1. Where the lot abuts other lots to the rear which are subject to the same or less restrictive height limitations:
 - a. Height shall be measured from the record grade of the street opposite the midpoint of the street frontage of the lot, or, if a corner lot, of the street frontage having the lower record grade.
 - b. Where the grade of the natural ground contiguous to the building is higher than said record grade, height may be measured from the mean grade of said natural grade, except if said mean grade is higher than the mean natural grade of any abutting lot at the lot line.

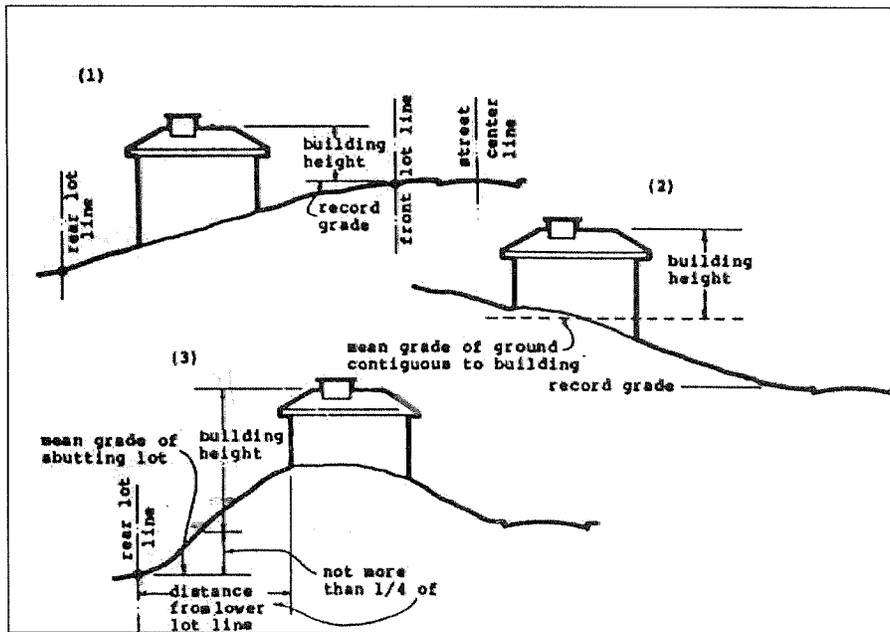


Figure 5.05 - Measurement of Building Height When the Rear Abutting Lot is Subject to Same or Less Restrictive Height Limitation

- c. Where the mean grade of the natural ground contiguous to the building is higher than both the record grade of the street and the mean natural grade of any abutting lot at the lot line, height shall be measured from a level not exceeding the mean grade of the lowest of any lot by more than one-fourth of the distance between the building and said abutting lot line.
2. Where the lot abuts other lots to the rear which are subject to more restrictive height limitations:
- a. For a building or buildings on a lot not more than 160 feet in any dimension:
 - 1) Height shall be measured from the record grade of the street opposite the midpoint of the street frontage of the lot, or, if a corner lot, of the street frontage having the lower record grade.

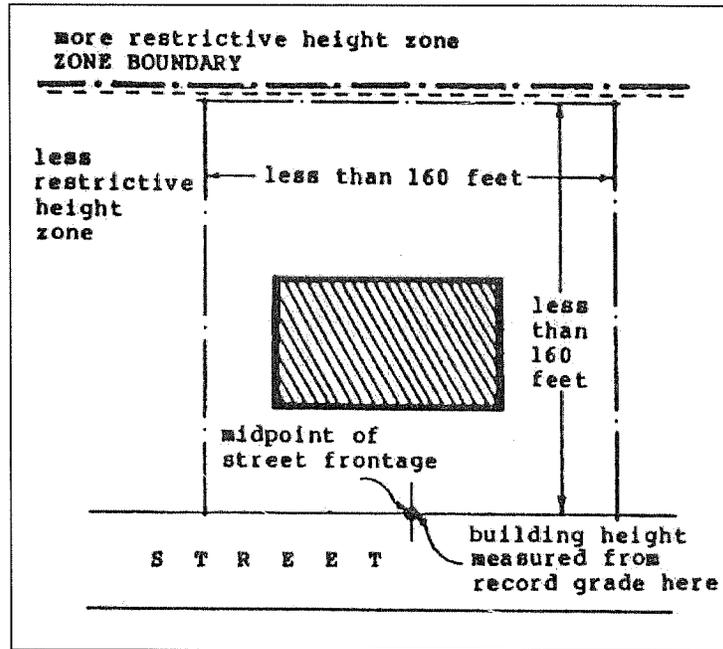


Figure 5.06 – Height Measurement For a Lot Not More Than 160 Feet in Any Dimension

- b. For a building or buildings on a lot whose depth is not more than 160 feet but whose frontage is greater than 160 feet:
 - 1) For that part of the lot within 80 feet of each side lot line not also a street line, height shall be measured from the record grade of the street at a point 40 feet from the side lot line.
 - 2) For that part of the lot within 80 feet of a side lot line, which is also a street line, height shall be measured from the record grade of the side street at a point opposite the midpoint of the side street lot line.
 - 3) For that part of the lot more than 80 feet from a side lot line, height shall be measured from the record grade of the street opposite the midpoint of that part of the lot.
- c. For a building or buildings on a lot whose depth and frontage both exceed 160 feet, height shall be measured as provided in subparagraph b. hereof with the following exceptions:
 - 1) If the grade of the natural ground contiguous to the building is not more than 10 feet higher than the record grade of the street, height may be measured from the mean grade of said natural ground.
 - 2) If the grade of the natural ground contiguous to the building is more than 10 feet higher than the record grade of the street, height may be measured from a level 10 feet above said record grade.

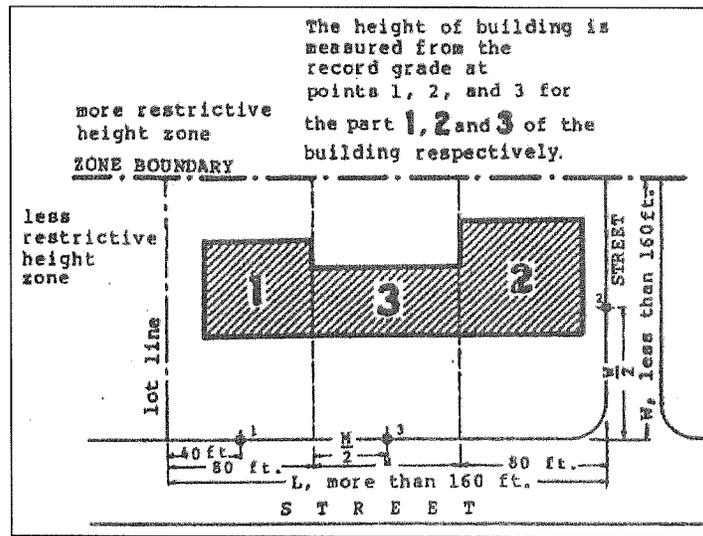


Figure 5.07 - Height Measurement For a Lot Not More Than 160 Feet in Depth

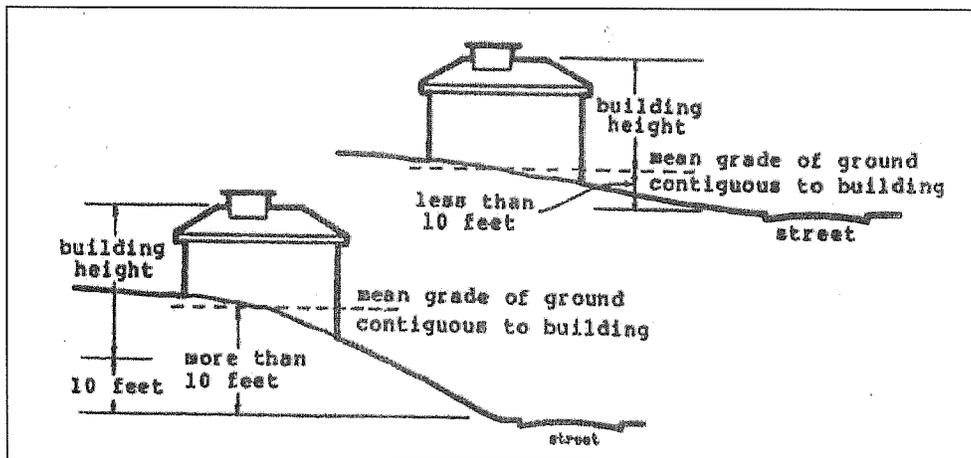


Figure 5.08 - Height Measurement For a Lot More Than 160 Feet in Both Depth and Frontage

- d. For a building or buildings on a lot whose frontage is not more than 160 feet but whose depth is greater than 160 feet:
- 1) Height shall be measured from the record grade of the street opposite the midpoint of the street frontage of the lot, or, if a corner lot, of the street frontage having the lower record grade.
 - 2) If the grade of the natural ground contiguous to the building is not more than 10 feet higher than the record grade of the street, height may be measured from the mean grade of said natural ground.

- 3) If the grade of the natural ground contiguous to the building is more than 10 feet higher than the record grade of the street, height may be measured from a level 10 feet above said record grade.
3. Where the lot fronts on two streets, maximum height shall be calculated as provided in **paragraphs 1. and 2.** of this Section, whichever is appropriate, interpreting "lots to the rear" as lots across the street. In such cases, a line shall be drawn halfway between the two streets which the lot adjoins, maximum height shall be measured from the record grade of each street separately, and the maximum height so measured shall apply on each side to that portion of the lot which lies between the line and each street. Maximum height for corner lots shall be calculated as provided in **paragraphs 1. and 2.** of this Section.

§5.31 – EXCEPTIONS TO MAXIMUM HEIGHT REGULATIONS

1. The provisions of **§5.30** shall not apply to church spires, belfries, cupolas, domes, monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, silos, derricks, conveyors, flag poles, masts, aerials, elevator penthouses, water tanks, monitors, or other structures normally built above the roof and not devoted to human occupancy. Such structures, however, shall be erected only to such heights and of such areas as are necessary to accomplish the purpose they are normally intended to serve, and shall harmonize with the facade of the building. Any structure designed for mechanical or electrical use shall be concealed or screened from public view to the greatest extent feasible and shall comply with the provisions of the Noise Control By-law. Substantial rooftop structures such as observation towers, elevator penthouses and mechanical equipment shall not exceed the height limit by more than 10 feet unless a special permit is granted by the Board of Appeals.
2. In a situation where the interpretation of the requirements of **§5.30** is not clear as a result of non-typical lot shape, topography, building alignment or configuration, or other characteristic, the Board of Appeals under a special permit after a hearing may establish maximum heights for a building or buildings or for different parts of a building which it deems will best approximate the requirements of **§5.30** and will assure the same standard of amenity to nearby properties as would have been provided by the application of said requirements to the site in question in the absence of non-typical characteristics.
3. Where two different maximum height figures are specified for the same zoning district in **Table 5.01**, the lower figure shall apply to any lot or part of a lot located in a buffer area. A buffer area is defined as a lot or part of a lot located in an M-1.5, M-2.0, M-2.5, G-1.75(CC), G-2.0 or O-2.0(CH) District which is located at a lesser distance from any land not within a public way in an S, SC, T or F District than the following:
 - a. 200 feet if the direction of the land in the S, SC, T or F District is northerly, between northwest and northeast;
 - b. 150 feet if such direction is easterly, between northeast and southeast, or westerly, between northwest and southwest;
 - c. 100 feet if such direction is southerly, between southeast and southwest.

related to the care of the tenants. For the purposes of this Bylaw, it includes: extended care facility, intermediate care facility, convalescent home and rest home.

One-Family Dwelling - A detached dwelling containing not more than one dwelling unit.

Open Space - The portion of a lot not covered by buildings, garages or other accessory buildings or structures, canopies, off-street parking areas, maneuvering aisles, loading areas or driveways. The portions of a lot devoted to lawn; landscaping; swimming pools constructed at or below grade; at grade terraces, patios, walks, tennis or other play courts; and woodland or wetland shall be considered as open space. Open space shall be free of automotive traffic, or parking.

Original Grade - The grade of the lot before development begins. If an existing structure is to be demolished, the original grade shall be the grade determined prior to demolition of the structure. If there is no existing structure on the property, the natural grade of the property, prior to any modification, shall be considered the original grade; except in new subdivisions where the original grade shall mean the approved and recorded grade.

Permit Granting Authority - The Zoning Board of Appeals.

Recreational Trailer or Vehicle - A vehicular, portable unit designed for travel, camping or recreational use, including but not limited to the following:

1. Travel Trailer - A vehicular, portable dwelling unit built on a chassis, being of any length provided its gross weight does not exceed forty-five hundred (4500) pounds, or being of any weight provided its overall length does not exceed twenty eight (28) feet.
2. Pick-Up Camper - A portable dwelling unit designed to be mounted on a pick-up truck or chassis, whether or not so mounted.
3. Motorized Camper - A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
4. Tent Trailer - A folding structure, constructed of canvas, plastic or similar water repellent material, designed to be mounted on wheels to be used as a temporary dwelling.
5. Boat Trailer - A vehicle without motive power, designed to be drawn by a motor vehicle and designed for the hauling or storage of a boat, aircraft, snowmobile or other recreational vehicle.

Registered Marijuana Dispensary - A not-for-profit entity and use registered under 105 CMR 725.100, and previously known as a Medical Marijuana Treatment Center, which may acquire, cultivate, possess, process (including development of related products such as edible Marijuana-Infused Products (“MIPs”), tinctures, aerosols, oils, or ointments), transfer, transport, sell, distribute, dispense, and/or administer marijuana, products containing marijuana, related supplies, and/or educational materials to registered

SECTION XX. HEIGHTS OF BUILDINGS OR STRUCTURES.

No building or structure, except one for religious or non-residential municipal purposes, or excepting further, a building or structure in Limited Apartment Districts authorized by SECTION VIA. 3., shall be constructed, enlarged or altered so as to exceed a height measured from the average original grade or finished grade, whichever is lower, of the land surrounding the exterior walls to the highest roofline, of forty-five (45) feet or three stories; however, building height shall be measured from the average finished grade of the land surrounding the exterior walls to the highest roofline for projects being developed under a Special Permit for a Project of Significant Impact issued prior to March 1, 2010. Parapets, chimneys, flag poles, solar collectors or necessary projections shall not be included in the measurement of height.

Provided, however, that single family, two family and town house buildings and additions thereto erected pursuant to a building permit issued on or after November 5, 1996 and buildings or additions thereto constructed in the Lower Falls Village Commercial District shall not exceed 36 feet in height as defined and restricted in this Section.

Provided further, however, that the height of residential buildings constructed under the provisions of the RESIDENTIAL INCENTIVE OVERLAY DISTRICT shall be governed by the height restrictions contained in SECTION XIVF.

This Section shall not apply to the replacement, without substantial change or addition thereto, of buildings in existence on May 1, 1949 which are thereafter destroyed or demolished.

Fuel establishment: Any business, including a gasoline service station, which for wholesale or retail sales or any combination thereof, expands an existing capacity or introduces on-site fuel, petroleum products, gas, LNG, or propane for residential, commercial, industrial or motor vehicle use or sales, in an amount in excess of five thousand (5,000) gallons. Excluded are residential properties storing five thousand (5,000) gallons of fuel oil or less.

Fuel oil distributor: Any business which stores fuel oil above or underground for the purposes of direct resale to retail customers of the fuel oil distributor or to other fuel oil distributors.

Garage repair shop: A part of a garage where minor structural repairs are made to motor vehicles for profit, by means of lathes, vises and other appliances, but not by means of heavy machinery.

Garden apartment: A building or group of buildings arranged, intended and designed to be occupied by three (3) or more families per building. Such buildings shall occupy one lot in single ownership throughout.

Gasoline service station: A building or structure or part of a building or structure used in connection with tanks, pumps and other appliances for supplying motor vehicles with gasoline, compressed air, oil, water and similar supplies, and accessories and/or used in connection with making minor repairs and adjustments on motor vehicles, other than structural repairs.

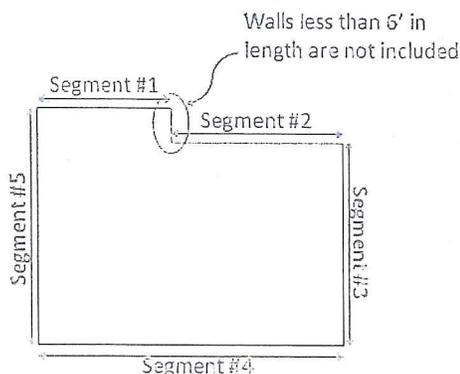
Grade: In cases where the walls of the building are more than five (5) feet from the nearest street line, the mean elevation of the ground adjoining said wall; and in all other cases, the mean elevation of the nearest sidewalk.

Grade Plane, Average: A horizontal reference plane for a building as a whole representing the average of finished grade elevations around the perimeter of a building, as determined by the length-weighted mean formula below. All walls of length greater than six feet shall be included in segments of consistent grade or slope.

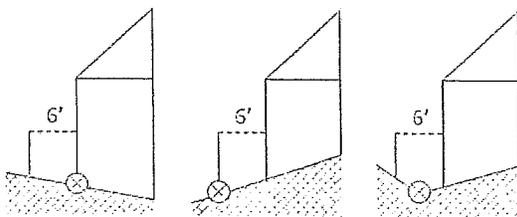
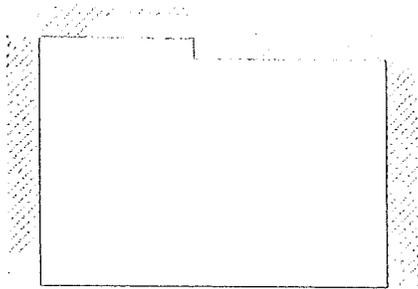
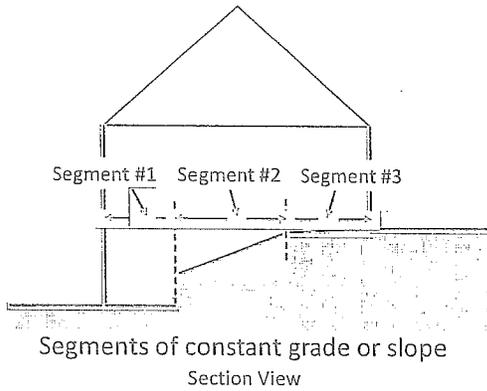
$$\frac{\Sigma[(e1 + e2) / 2 \times L]}{P}$$

Where:

- Σ sums the weighted average grades of all segments;
- e1 and e2 are the elevations of the finished ground level at the respective ends of each segment, determined as the lowest point at each end of the segment within six feet of the foundation or the lot line, which ever is closer;
- L is the corresponding horizontal length of the segment; and
- P is total horizontal length of all segments.



Determining Segments
Plan View



Gross floor area: See Floor area, gross.

Ground floor area: See Floor area, ground.

Habitable space: See Space, habitable.

Health club: A commercial establishment which as its primary purpose provides facilities for individual physical health activities, such as aerobic exercise, running and jogging, use of exercise equipment, saunas, showers, massage rooms and lockers. Such establishments are operated as a business even if open only to members and their guests on a membership basis and not to the public at large paying a daily admission fee.

Height: The vertical distance between the elevations of the following: (a) the average grade plane and (b) the highest point of the roof. Not included in such measurements are 1) cornices which do not extend more than five (5) feet above the roof line; 2) chimneys, vents, ventilators and enclosures for machinery of elevators which do not exceed fifteen (15) feet in height above the roof line; 3) enclosures for tanks which do not exceed twenty (20) feet in height above the roof line and do not exceed in aggregate area ten (10) per cent of the area of the roof; and 4) towers, spires, domes and ornamental features.

Height, Contextual: The vertical distance between the elevations of the following: (a) the Newton Base Elevation utilized by the city as implemented by the engineering division of the department of public works and (b) the highest point of the roof. Not included in such measurements are 1) cornices which do not extend more than five (5) feet above the roof line; 2) chimneys, vents, ventilators and enclosures for machinery of elevators which do not exceed fifteen (15) feet in height above the roof line; 3) enclosures for tanks which do not exceed twenty (20) feet in height above the roof line and do not exceed in aggregate area ten (10) per cent of the area of the roof; and 4) towers, spires, domes and other ornamental features.

Heliport: An area used by helicopters or other steep-gradient aircraft for the purpose of picking up or discharging passengers or cargo, but not including facilities for helicopter fuel, service, maintenance or overhaul, or sale of products.

Home business: Any commercial activity conducted within a dwelling unit by the residents thereof as an accessory use to the residential use of the dwelling unit, provided that no sale of merchandise, whether retail or wholesale, takes place on the premises, except as expressly permitted by the provisions of section 30-8(c)(5).

The term “home business” shall include, but is not limited to, the studio of an artist, musician, photographer or writer; small group or individual instruction or tutoring; tailoring; millinery; crafts; word processing; computer software development; telephone solicitation; a manicurist; an office of a sales or manufacturer representative; and an office of a physician, dentist, lawyer, architect, registered engineer, accountant, psychologist, social worker or other professional.

The term “home business” shall not include the following: a clothing rental business; a barber shop; a hairdresser; a restaurant; a repair shop, whether for small appliances or otherwise; a real estate broker; an orchestra or instrumental music group; an antique shop; an animal hospital; or businesses similar to those enumerated.

Hotel or Motel: A building or several buildings containing six (6) or more sleeping rooms for guests, other than a dormitory, lodging house or apartment house.

Interior lot: See Lot, interior.

Large family child care home: See *Child care home, large family.*

Loading facility: A truck loading or unloading area accessory to the principal use of the site.

Lodger: A person who occupies space for living and sleeping purposes without separate cooking facilities, paying rent, which may include an allowance for meals; and who is not a member of the housekeeping unit.

Lodging house: Any dwelling designed, occupied or intended for occupancy by four (4) or more lodgers.

Lot, corner: A lot fronting on two (2) intersecting streets which form an interior angle of one hundred and twenty (120) degrees or less; or a lot located on a bend in a street where the street bends so as to form an interior angle of one hundred and twenty (120) degrees or less; or a lot on a curve in a street or on a curve at the intersection of two (2) streets where two (2) lines tangent to the street line at the intersection of each side of the lot with the street line form, if prolonged towards the curve, an interior angle of one hundred and twenty (120) degrees or less. Only that

- 5.2.4.1 Front yards in the General Business District shall be planted with natural materials; at a minimum, trees. Each tree (at planting) shall have a minimum trunk width (diameter) of three inches measured at a point six inches above grade. One tree shall be required for each 25 feet of lot frontage; the location and spacing of the trees shall be at the discretion of the owner but subject to final approval by the town engineer.
- 5.2.5 **Side and Rear Yards** - Side and rear yards shall be measured from the nearest point of any building or structure to each side or rear lot line.
- 5.2.6 **Open Space** - The percent of open space shall be determined by dividing the total area landscaped on a lot by the total lot area. Such landscaping shall be designed to enhance the visual impact of the principal use upon adjacent property and within the lot. In all developments, to the extent practicable, existing trees shall be retained and used to satisfy the provisions of the minimum open space. In the business districts where a business or industrial use abuts a residential district or a residential use and in the industrial districts where a business or industrial use abuts a residential district, a landscaped buffer shall be provided in accordance with Section 5.2.6.1.
- 5.2.6.1 Residential landscape buffer. In the business and industrial districts where a business or industrial use abuts a residential district or use, the commercial or industrial use shall be set back from the residential district or use consistent with the requirements of this bylaw. Further, the first 20 feet of any setback measured from the commercial or industrial lot line or commercial or industrial zoning line shall be landscaped in the following manner. On the parcel boundary line, or in such location as may be required by site plan review, the commercial or industrial use shall be required to erect a solid panel wooden fence of at least five feet but no more than eight feet in height. Further, not closer than ten feet from the boundary line, the commercial or industrial use shall plant one tree for every 20 feet of common boundary length. The exact spacing to be determined under site plan review to ensure maximum screening. At the time of planting each tree shall have trunk width (diameter) of a least three inches measured at a point six inches above grade after planting.
- 5.2.7 **Building Coverage** - The percent of building coverage shall be determined by dividing the total ground area of all buildings on a lot by the total lot area.
- 5.2.8 **Height**
- 5.2.8.1 **Height in Feet** - Height in feet shall be the vertical distance from the average of the finished ground level adjoining a building or structure at all exterior walls to the top of the highest roof beams of a flat roof or to the mean level of the highest gable or slope of a hip roof. In all districts chimneys, towers, agricultural silos, antennae, elevator shafts and other similar structures not used for human occupancy or storage may extend above the height limits herein fixed provided that (1) if located upon a roof of a building such structure(s) do not occupy more than 20% of the roof surface and (2) in all cases such extensions shall not exceed a height of 48 feet from the ground to the highest point of the structure unless authorized by special permit from the Board of Appeals.
- 5.2.8.2 **Height in Stories** - Height in stories shall be the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters. One-half story shall be a story under a gable or slope of hip roof.
- 5.2.8.3 **Landfill Height Limit** - The vertical distance above the mean level of the ground within ten feet of the horizontal limit of a landfill to the top surface of the landfill, including any final landfill cap or covering material, shall not exceed 40 feet.

ARTICLE 3: AMEND ZONING BY-LAW – DEFINITION OF HEIGHT HALF-STORY AND DORMER

To see if the Town will vote to amend the Needham Zoning By-Law as follows:

- (a) Amend Section 1.3 Definitions, by revising the existing definition of the term “Half-story”, so that the entire definition shall now read as follows: (new language underlined):

Half-Story or ½ Story – For all single-family detached dwellings, two-family detached dwellings, and apartment and multi-family dwelling units permitted by Special Permit in the Center Business District and located in the half-story directly above the second floor, that portion of a building included between the upper surface of a floor and the lower surface of a sloping roof next above where the area contained therein has a finished ceiling height exceeding 5’-0”.

Dormers installed in a sloping roof directly above the second story of a structure shall be limited in size as follows: (1) A dormer may be no wider than the lesser of forty percent (40%) of the length of the exterior wall of the story next below or 20 feet. Where more than one dormer is located on the same side of the roof, the width of all dormers combined may not exceed forty percent (40%) of the length of the exterior wall next below. (2) A roof line overhang shall be continued between the dormer and the story next below so as to avoid the appearance of an uninterrupted wall plane extending beyond two stories. (3) The vertical plane of the side wall of any dormer shall not be closer than three feet (3’) from the vertical plane of the intersection of the roof and the main building end wall nearest the dormer. (4) No dormer may project above the main ridgeline of the building.

There are no restrictions on dormers installed in a sloping roof directly above the first story of a structure. This definition shall apply to all single-family detached dwellings, two-family detached dwellings, and apartment and multi-family dwelling units permitted by Special Permit in the Center Business District and located in the half-story directly above the second floor. For all other buildings the definition is, that part of a building under a sloping roof where the full-length rafters rest on the top beam of the story below.

- (b) Amend Section 1.3 Definitions, by adding the following term and definition in the appropriate alphabetical location as follows:

“Dormer – A projection built out from a sloping roof, usually containing a window or vent.”

Or take any other action relative thereto.

Half-Story or ½ Story – For all single-family detached dwellings, two-family detached dwellings, and apartment and multi-family dwelling units permitted by Special Permit in the Center Business District and located in the half-story directly above the second floor, that portion of a building included between the upper surface of a floor and the lower surface of a sloping roof next above where the area contained therein has a finished ceiling height exceeding 5'-0". Dormers installed in a sloping roof directly above the second story of a structure shall be limited in size as follows: ~~the total length of the front wall(s) of a dormer(s) shall not exceed 30% (thirty percent) of the eave length of the portion of the roof in which the dormer is built.~~ (1) A dormer may be no wider than the lesser of forty percent (40%) of the length of the exterior wall of the story next below or 20 feet. Where more than one dormer is located on the same side of the roof, the width of all dormers combined may not exceed forty percent (40%) of the length of the exterior wall next below. (2) A roof line overhang shall be continued between the dormer and the story next below so as to avoid the appearance of an uninterrupted wall plane extending beyond two stories. (3) The vertical plane of the side wall of any dormer shall not be closer than three feet (3') from the vertical plane of the intersection of the roof and the main building end wall nearest the dormer. (4) No dormer may project above the main ridgeline of the building.

There are no restrictions on dormers installed in a sloping roof directly above the first story of a structure. This definition shall apply to all single-family detached dwellings, two-family detached dwellings, and apartment and multi-family dwelling units permitted by Special Permit in the Center Business District and located in the half-story directly above the second floor. For all other buildings the definition is, that part of a building under a sloping roof where the full-length rafters rest on the top beam of the story below.

- (b) It exists at the ground story level and is at least one (1) story in height;
- (c) It separates enclosed interior space(s) in each of the dwelling units;
- (d) It is designed to give the appearance that it connects the two dwelling units to each other.

Community Use Space: Space that is open to the public and used for, but not limited to, ball courts, gymnasias, play areas, community meeting rooms, community gardens, social services, outdoor play areas, playgrounds, related seating areas, and similar uses.

Congregate living facility: An association of persons living together in a shared living environment which integrates shelter and service needs of elderly, functionally impaired and/or functionally isolated persons who are otherwise in good health and can maintain a semi-independent lifestyle and who do not require constant supervision or intensive health care as provided by an institution. Each resident may have a separate bedroom, living room, kitchen, dining area or bathroom, or may share living, dining, and bathroom facilities with other persons. Such facility shall be deemed an association of persons living together in a single dwelling and not a lodging house.

Corner lot: See Lot, corner.

Day care center: As defined and licensed under G.L. c. 28A, a facility which on a regular basis receives for temporary custody and care more than ten (10) children at a time.

Development Parcel: The real property on which a Planned Multi-Use Business Development or a Mixed-Use Development (including any appurtenant easement areas benefiting a Mixed-Use Development) is located in connection with a special permit under Section 30-15(s) or 30-13(g).

Dormer: A projection built out from a sloping roof, usually containing a window or vent.

Dormitory: A building owned or controlled directly or indirectly by a religious or educational non-profit institution (excepting a nonprofit hospital) providing sleeping quarters for five (5) or more unrelated persons.

Drive-in business: A retail or consumer use of land or a building in which all or part of the business transacted is conducted by a customer from within a motor vehicle.

Drive-in food service establishment: A fast food establishment which provides convenient vehicular access and may provide service to customers while in their vehicles.

Driveway: An area on a lot which is designed or used to provide for the passage of motor vehicles to and from a street or way.

Dwelling: A building or structure used for human habitation.

Dwelling, attached: A building or structure that either:

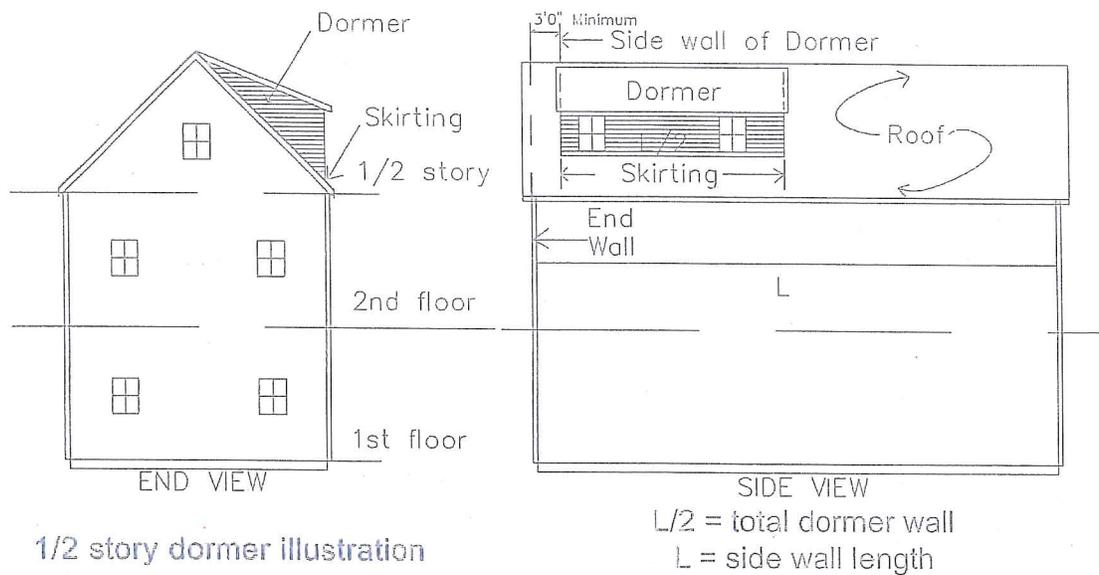
- (a) contains three (3) or more dwelling units, attached to one another at the ground level and each having a separate primary and secondary access at ground level; or
- (b) contains two (2) dwelling units and is not a “dwelling, two family,” as defined in section 30-1.

Dwelling, multi-family: A building or structure containing three (3) or more dwelling units.

Dwelling, two-family: A building or structure that meets all of the following requirements:

(c) **Dormers.** Except as may be allowed by special permit in accordance with Section 30-24, the following restrictions shall apply to dormers above the second story in single and two family dwellings and to dormers in accessory structures.

- (1) A dormer may be no wider than fifty percent (50%) of the length of the exterior wall of the story next below. Where more than one dormer is located on the same side of the roof, the width of all dormers combined may not exceed fifty percent (50%) of the length of the exterior wall next below. See illustrations below.
- (2) A roof line overhang shall be continued between the dormer and the story next below so as to avoid the appearance of an uninterrupted wall plane extending beyond two stories. See illustrations below.



- (3) The vertical plane of the side wall of any dormer shall not be closer than three feet (3') from the vertical plane of the intersection of the roof and the main building end wall nearest the dormer. See illustrations below.
- (4) No dormer may project above the main ridgeline of the single or two family dwelling or the accessory structure. See illustration below. (Ord. Z-20, 04-07-08; Ord. Z-34, 11-03-08)

(u) **The floor area ratio (FAR)** shall apply to all one and two family structures, except on rear lots created under the provisions of section 30-15(r), whether new or existing, according to the FAR limits contained in Table A below. The following exceptions shall apply:

- (1) For construction on lots created before 12/7/1953, an additional increase in FAR of .02 above the amount shown in Table A shall be allowed, provided that new construction proposed using additional FAR granted under this paragraph shall comply with setback requirements for post-1953 lots. Any increase in FAR granted through this section may not create or increase nonconformities with respect to lot coverage or open space and may not be used in conjunction with section 30-21(c).

ARTICLE 4: AMEND ZONING BY-LAW - DIMENSIONAL REGULATIONS FOR SINGLE RESIDENCE B AND GENERAL RESIDENCE DISTRICTS

To see if the Town will vote to amend the Zoning By-Law as follows:

- (a) In Section 4.2, Dimensional Regulations for Rural-Residence Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, Subsection 4.2.1, Table of Regulations, by revising the third row in the Table "Single Residence B" by adding a new footnote "(m)" under the column designated "Front Setback".
- (b) Section 4.2, Dimensional Regulations for Rural-Residence Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, Subsection 4.2.1, Table of Regulations, by revising the fourth row in the Table "General Residence" by adding a new footnote "(m)" under the column designated "Front Setback".
- (c) Section 4.2, Dimensional Regulations for Rural-Residence Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, Subsection 4.2.1, Table of Regulations, by adding a new footnote (m) to read as follows:

"(m) In Single Residence B and General Residence districts, if the alignment of two or more existing buildings on lots on either or both sides of a lot fronting on the same street in the same block is farther from the street than the required front yard depth, the average of the existing alignment of all buildings within 300 feet of said lot shall be the required front yard, except that no front yard requirement resulting from the application of this section shall exceed thirty (30) feet. The average of the existing alignment as used in this section shall be calculated as follows: (i) Multiply the actual front yard depth of each part of each building by the frontage of that part of the building measured parallel to the street, and (ii) Add the products thus calculated and divide the sum by the total of the frontage of all existing buildings."

Or take any other action relative thereto.

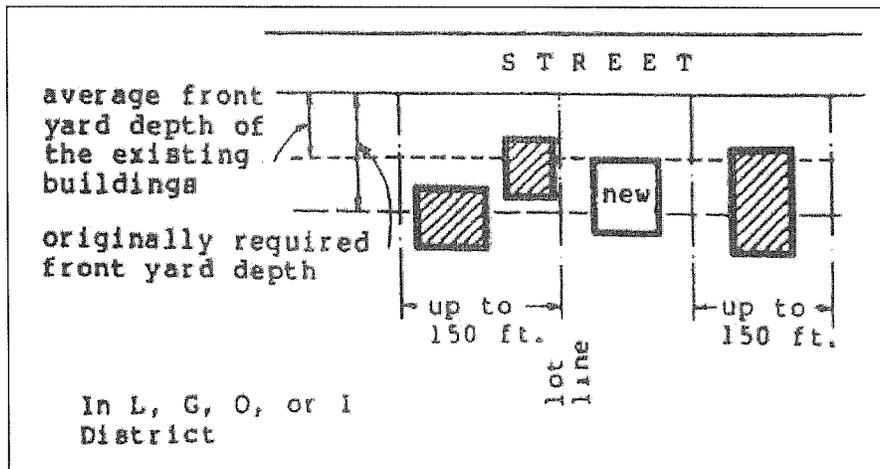


Figure 5.12 - Exception for Existing Alignment

2. In all Residence Districts, if the alignment of two or more existing buildings on lots on either or both sides of a lot fronting on the same side of the same street in the same block is farther from the street than the required front yard depth, the average of the existing alignment of all buildings within 150 feet of said lot shall be the required front yard, except that no front yard requirement resulting from the application of this section shall exceed twice the front yard requirement specified in **Table 5.01**.

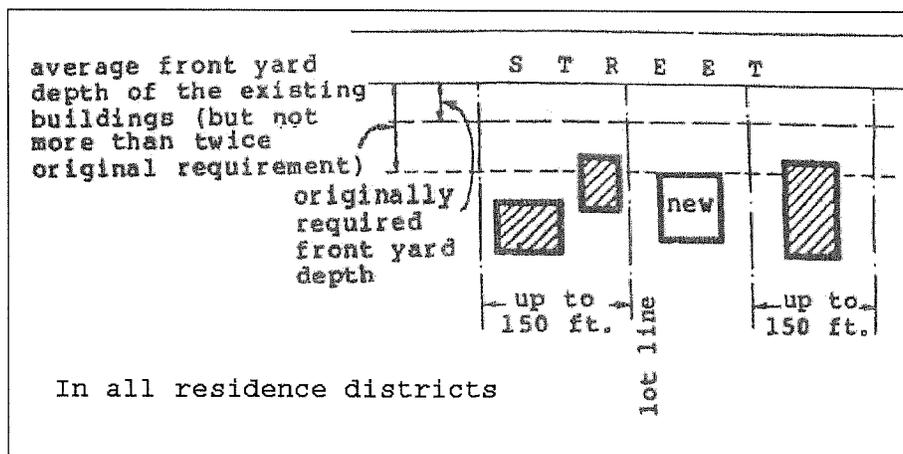


Figure 5.13 - Exception for Existing Alignment

3. The average of the existing alignment as used in paragraphs 1. and 2. of this section shall be calculated as follows:
 - a. Multiply the actual front yard depth of each part of each existing building by the frontage of that part of the building measured parallel to the street, and
 - b. Add the products thus calculated and divide the sum by the total of the frontage of all existing buildings.

FRONT YARD REGULATIONS

§5.50 – FRONT YARD REQUIREMENTS

Where a minimum depth of front yard is specified in **Table 5.01**, an open space of at least the specified depth shall be provided between the front lot line or lines and the nearest point of any building or structure except as may be permitted hereafter. (See illustrations in **§5.40**)

§5.51 – PROJECTIONS INTO FRONT YARDS

Bays and porches not over half the length of the front wall may project into any front yard three and one-half feet. Belt courses, chimneys, flues, fins, columns, leaders, sills, pilasters, lintels and ornamental features may project not more than one foot, and cornices and gutters not more than two feet, over a required front yard. In no case shall any such projection come within five feet of any front lot line, except in districts where no front yard is required.

§5.52 – FENCES AND TERRACES IN FRONT YARDS

Subject to **§5.45**, the provisions of **§5.50** shall not apply to front fences, hedges, or walls not over six feet high above the natural grade in the required front yard nor to terraces, steps, uncovered porches, or other similar features not over three feet high above the level of the floor of the ground story. Piers, pilasters, columns, and posts not over sixteen inches square as supports may exceed the height limitation by not more than twelve inches. Uncovered porches or decks may not extend into the yard more than fifty per cent of the required yard setback but in no case closer than six feet to the property line.

§5.53 – ACCESSORY BUILDINGS IN FRONT YARDS

Accessory buildings shall not be permitted within required front yards.

§5.54 – EXCEPTIONS FOR EXISTING ALIGNMENT

1. In L, G, O or I Districts, if the alignment of existing buildings on adjacent lots on both sides of a lot fronting on the same street is nearer to the street than the required front yard depth, the average of the existing alignment of all buildings within 150 feet of said lot shall be the required front yard.

4. In any district, where a row of two or more existing attached buildings in different ownership has a deeper front yard than that required by **Table 5.01** of this By-law, construction of any building or structure in the area between any one of said buildings and its required front yard line shall require a special permit from the Board of Appeals.

§5.55 – FRONT YARD FOR REAR LOT

Where a dwelling is to be located on a rear lot, the front yard depth shall be not less than the minimum rear yard specified in **Table 5.01**. A lot shall be considered to be a rear lot if a straight line drawn from any part of the proposed building, to and perpendicular to the street providing required access to the lot, passes through any part of a conforming main building, or site thereof, on another lot.

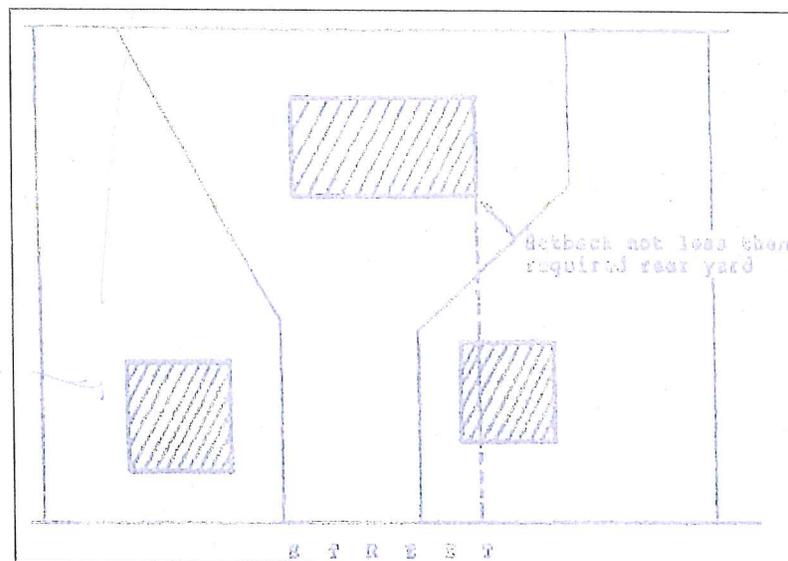


Figure 5.14 - Front Yard for Rear Lot

SIDE YARD REGULATIONS

§5.60 – SIDE YARD REQUIREMENTS

Where a minimum width of side yard is specified in **Table 5.01**, no building or structure shall be erected within the specified distance from either side lot line, except as permitted in §§ 5.44 and 5.63. (See illustrations on following pages)

§5.61 – PROJECTIONS INTO SIDE YARDS

Bays and porches, balconies, open fire escapes, chimneys and flues, all of which occupy not over one-third the length of the side wall, may project into a required side yard not more than one-third of its width and not more than four feet in any case. Belt courses, fins, columns, leaders, sills, pilasters, lintels and ornamental features may project not more than one foot, and cornices and

SECTION XIX. YARD REGULATIONS.

A. DEFINITIONS.

Front Yard - An area, on the same lot with the building, measured from the street line to the building extending across the entire front of the lot, and unoccupied above ground level except by uncovered steps, eaves projecting not more than 2 feet from the wall of the building, bay windows that do not have a foundation and do not extend more than two feet from the wall of the building and a covered or uncovered, enclosed or unenclosed, entrance porch on the first floor which neither exceeds a total area of 50 square feet nor projects more than five feet from the face of the building nor extends nearer than 25 feet to the street line.

Side Yard - An area, on the same lot with the building, measured from the side line of the lot to the building, extending from the front yard to the rear yard, and unoccupied above ground level except by covered basement entrances not over four feet in height and not over 35 square feet in area, bay windows that do not have a foundation and do not extend more than two feet from the wall of the building, uncovered steps, eaves projecting not more than 2 feet from the wall of the building, attached chimneys projecting not more than 2 feet from the wall of the building and unenclosed, covered or uncovered stair landings not over 25 square feet in area.

Rear Yard - An area, on the same lot with the building, measured from the rear line of the lot to the building, extending the full width of the lot, and unoccupied above ground level except by covered basement entrances not over four feet in height and not over 35 square feet in area, bay windows that do not have a foundation and do not extend more than two feet from the wall of the building, uncovered steps, eaves projecting not more than 2 feet from the wall of the building, covered or uncovered, enclosed or unenclosed, entrance porches on the first floor which do not exceed a total area of 50 square feet, attached chimneys projecting not more than 2 feet from the wall of the building and stair landings not over 25 square feet in area.

Frontage - A lot boundary line which abuts a public way; or

a way which the Town Clerk certifies is maintained and used as a public way; or

a way shown on a plan approved and endorsed in accordance with the Subdivision Control Law; or

a way in existence when the Subdivision Control Law became effective in the Town of Wellesley having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for

the needs of vehicular traffic in relation to the proposed use of land abutting thereon or served thereby, and for the installation of municipal services to serve the land and the buildings erected or to be erected thereon;

Certification of the adequacy of a way by the Planning Board shall be required prior to the issuance of a building permit for:

Construction of a new one or two-family dwelling;

Reconstruction of a one or two-family dwelling in conjunction with removal of 50% or more of the existing building coverage (footprint); or

Addition to a one or two-family dwelling where total building coverage (footprint) would be increased by 50% or more.

and across which line there is legal access.

Build Factor - A ratio of lot perimeter to lot area which limits the degree to which a lot may have an irregular shape according to the following formula:

$$\frac{\text{Lot Perimeter Squared}}{\text{Actual Lot Area}} \quad / \quad \frac{\text{Actual Lot Area}}{\text{Required Lot Area}}$$

B. REQUIREMENTS.

There shall be provided for every building or structure hereafter erected or placed upon a lot at least the minimum frontage, minimum front yard width, minimum front yard depth (setback), minimum side yard width and minimum rear yard depth requirements hereinafter set forth; and there shall be not more than one dwelling erected on any lot. Such minimum front yard width shall be provided for the entire depth of the front yard.

Provided, however, in the 10,000 and 15,000 square foot Area Regulation Districts when a rear yard of a lot abuts the side yard of the next lot the minimum rear yard depth shall be not less than the minimum side yard depth.

Heating, ventilation, air conditioning, swimming pool, electric generating, or other noise emitting equipment shall not be located in required setback areas. Plans and installation of sound reduction and/or visual screening may be required if, in the opinion of the Inspector of Buildings abutters may be affected.

Where the entrance of an attached or detached garage, built in conjunction with a one-family dwelling faces a property boundary line other than the street line there

shall be a minimum distance of 30 feet from the garage entrance to that line. The intent of this requirement is to ensure adequate area for vehicles entering and exiting the garage.

Table 1 is applicable to lots recorded or endorsed on or before January 24, 1985 and to lots in the 10,000 square foot Area Regulation District recorded or endorsed after January 24, 1985 and prior to January 19, 1989.

Table 2 is applicable to lots recorded or endorsed after January 24, 1985 and to lots in the 10,000 square foot Area Regulation District, recorded or endorsed on or after January 19, 1989 and prior to April 9, 1997.

Table 3 is applicable to lots recorded or endorsed on or after April 8, 1997.

Lots recorded or endorsed after January 24, 1985 also shall be subject to a maximum Build Factor of 20.

TABLE 1

District	10,000 sq. ft.	15,000 sq. ft.	20,000 sq. ft.	30,000 sq. ft.	40,000 sq. ft.
Minimum Frontage	60 ft.				
Minimum Front Yard Width	60 ft.	60 ft.	60 ft.	60. ft.	60 ft.
Minimum Front Yard Depth (Setback)	30 ft.*				
Minimum Side Yard Width	20 ft.				
Minimum Rear Yard Depth	10 ft.	15 ft.	20 ft.	20 ft.	20 ft.

Provided however, that a lot having its only frontage on a curved street line having a sideline radius of less than 100 feet may have a reduced frontage upon the granting of a special permit in accordance with SECTION XXV, and provided:

- a. The minimum frontage shall be 50 ft.;
- b. The minimum front yard width is maintained at the street setback line (house line), and
- c. All other dimensional zoning requirements are satisfied.

TABLE 2

Area Regulation District	10,000 sq. ft.	15,000 sq. ft.	20,000 sq. ft.	30,000 sq. ft.	40,000 sq. ft.
Minimum Frontage	75 ft.	80 ft.	100 ft.	120 ft.	140 ft.
Minimum Front Yard Width	75 ft.	80 ft.	100 ft.	120 ft.	140 ft.
Minimum Front Yard Depth (Street Setback)	30 ft.*	30 ft.*	30 ft.*	40 ft.*	40 ft.*
Minimum Side Yard Width (Side Line Setback)	20 ft.				
Minimum Rear Yard Depth (Rear Line Setback)	10 ft.	15 ft.	20 ft.	20 ft.	20 ft.

TABLE 3

Area Regulation District	10,000 sq. ft.	15,000 sq. ft.	20,000 sq. ft.	30,000 sq. ft.	40,000 sq. ft.
Minimum Frontage	90 ft.	100 ft.	110 ft.	175 ft.	200 ft.
Minimum Front Yard Width	90 ft.	100 ft.	110 ft.	175 ft.	200 ft.
Minimum Front Yard Depth (Street Setback)	30 ft.*	30 ft.*	35 ft.*	40 ft.*	40 ft.*
Minimum Side Yard Width (Side Line Setback)	20 ft.	20 ft.	20 ft.	30 ft.	40 ft.
Minimum Rear Yard Depth (Rear Line Setback)	18 ft.	20 ft.	20 ft.	30 ft.	40 ft.

Provided however, that a lot having its only frontage on the curved sideline of a cul-de-sac bulb having a sideline radius of less than 100 feet may have a reduced frontage provided:

- a. The minimum frontage shall be 50 feet;
- b. The minimum front yard width is maintained at the street setback line (house line);
- c. The maximum number of lots with frontage exclusively on the bulb of any cul-de-sac shall be three;
- d. All other dimensional zoning requirements are satisfied.

*Where, on a frontage of 500 feet including the lot to be affected, or on a frontage between two intersecting or entering streets if such frontage is less than 500 feet, all existing buildings (if they are not less than three in number) have front yards of a depth greater than 30 feet, the minimum depth thereof shall be the depth required.

This Section shall not apply to lots in districts zoned as Lower Falls Village Commercial, Wellesley Square Commercial District, Business, Business A, Industrial, or Industrial A, except for the requirements for front yards. In the Lower Falls Village Commercial District and Wellesley Square Commercial District there shall be a minimum front yard depth of 5 feet. There shall be no front yard depth requirement for property included in a Business District on April 1, 1939, and fronting on Washington Street, Church Street, Central Street, Grove Street, Spring Street, Cross Street, or that part of Weston Road between Central Street and Cross Street.

The requirements for side and rear yards shall apply to all accessory buildings over one hundred square feet in area. For purposes of this Section, an accessory building shall mean a detached subordinate building located on the same lot with the main building, the use of which is customarily incidental to that of the main building or to the use of the land. The requirements for front, side and rear yards shall not apply to the construction or enlargement of dormers on pre-existing non-conforming dwellings provided that the highest point of the existing roof is not exceeded and there is no further encroachment on the lot lines.

For exemptions for pre-existing non-conforming lots refer to SECTION XVII. of this Zoning Bylaw.

C. GENERAL.

No building or lot shall be so altered as to reduce the size of the then existing yard unless the resulting yard complies with the requirements of this Section, except by taking by eminent domain or by a conveyance for a public purpose.

No yard or other open space shall at any time be considered as appurtenant to more than one building in computing the requirement for yards under this Bylaw.

No building or structure shall hereafter be erected or placed nearer than ten (10) feet to any public land held or in use for a park, playground or recreational purpose and no existing building or structure shall be so altered as to result in the said building or structure being nearer than ten (10) feet to such public land.

12. Increase to 150 feet where the opposite side of the street is in a residential district (including any in an adjacent municipality).

13. Increase to 75 feet where the opposite side of the street is in a residential district (including any in an adjacent municipality).

14. Access for fire apparatus or personnel may require larger yards, as determined by the fire chief under board of Fire Prevention Regulations, 527 CMR 25.00. Where emergency access is required, not less than 15 feet of unobstructed width must be provided.

15. Increase by one foot for each foot by which all setback and yard requirements are, at minimum, exceeded, to a maximum of 60 feet in height.

[Insert pictures – page 17]

4.1.2 Front Setbacks.

1. Corner and Through Lots. Front setbacks must be maintained from each street on which a lot abuts.

2. Setback Averaging. No building need provide a front setback larger than the average of the front setbacks on lots abutting on either side, with a vacant lot (or a lot having no building within three hundred feet from the building in question), or a lot providing a setback larger than the required minimum, or an intersecting street being counted as though occupied by a building providing that required minimum setback.

4.1.3 Lot Width. In all Districts, no building or structure, except a one-story accessory structure, shall be constructed on a lot having less lot width, measured through that portion of the building or structure where the lot is narrowest and at any point between the frontage street and the nearest part of said building, than the "Required Lot Width Through Building or Structure" specified in the Table of Dimensional Requirements.

4.1.4 Exceptions.

1. Inconsequential Change. Lot line changes to nonconforming lots are allowed provided that they create neither additional lots nor create an increase in any nonconformity.

2. Two or More Principal Buildings. Not more than dwelling shall be erected on a lot, unless so authorized on Special Permit under Section 4.2.1. Two or more other principal buildings may be erected on a lot only if lot area requirements can be met for each such

ARTICLE 5: AMEND ZONING BY-LAW –GRADING AND DRAINAGE REVIEW

To see if the Town will vote to amend the Needham Zoning By-Law, as follows:

Amend Section 3, Use Regulations, by inserting a new Subsection 3.1.3, Grading and Drainage Review, to read as follows:

“In all districts, no land buildings or structures shall be used except in conformance with the following standards. Whenever the existing contours of the land are altered, the land shall be left in a usable condition, graded in a manner to the extent practicable and to the reasonable satisfaction of the Building Inspector, to prevent the erosion of soil and the alteration of the runoff of surface water to or from abutting properties, and shall be substantially landscaped. Projects increasing impervious surface area or that involve altering the landscape in such a way that may result in alteration of the runoff of surface water to abutting properties or erosion of soil, shall be reviewed by the Building Inspector and if he deems appropriate by the Town Engineer to ensure compliance with this section. The Building Inspector may reject a project if he believes it will cause runoff of surface water to abutting properties or the erosion of soil.”

Or take any other action relative thereto.

**ARTICLE 6: AMEND ZONING BY-LAW – MINIMUM SIDE AND REAR LINE
SETBACKS: ACCESSORY STRUCTURES**

To see if the Town will vote to amend the Needham Zoning By-Law as follows:

In Section 4.2, Dimensional Regulations in Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence , and Institutional Districts, Subsection 4.2.3, Minimum Side and Rear Line Setbacks: Accessory Structures, by adding the following sentence after the first sentence: “Notwithstanding the foregoing five (5) foot setback from the rear or side lines of the lot, any accessory building or structure which exceeds 12’ in height must comply with the underlying district’s rear and/or side setback requirements.”

Or take any other action relative thereto.